

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**KATHRYNN PALS, et al.;**

**Plaintiffs,**

**vs.**

**TONY WEEKLYJR., BOHREN  
LOGISTICS, INC., INTERSTATE  
HIGHWAY CONSTRUCTION, INC., and  
D.P. SAWYER, INC.,**

**Defendants.**

**MEMORANDUM  
AND ORDER**

**8:17CV27**

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**JUAN PAUBLO VELEZ, MARTINIANA  
VELEZ, and PAOLA VELEZ,**

**Plaintiffs,**

**vs.**

**BOHREN LOGISTICS, INC., TONY  
WEEKLYJR., INTERSTATE HIGHWAY  
CONSTRUCTION, INC., and D.P.  
SAWYER INC,**

**Defendants.**

**8:17CV175**

This matter is before the Court on the Motion in Limine to Exclude the Expert Testimony of John R. Messineo, Jr., P.E., Brian G. Pfeifer, Ph.D., P.E., and John W. Ross, ECF No. 211,<sup>1</sup> filed by D.P. Sawyer, Inc. ("Sawyer"); Sawyer's Motion to Strike the Brief in Support of Motion in Limine, ECF No. 225, filed by Tony Weekly, Jr., and Bohren Logistics, Inc. ("Bohren"); and the Motion in Limine to Exclude the Expert Testimony of

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<sup>1</sup> ECF Filing Number references are to Case No. 8:17cv27.

Darryl Partner and John Goebelbecker, P.E., ECF No. 203, filed by Plaintiffs Kathryn Pals and Gordon Engel.

All claims against Interstate Highway Construction, Inc., (“IHC”) and Sawyer in *Velez v. Bohren Logistics, Inc.*, 8:17cv175, were dismissed on September 30, 2019, pursuant to a Motion filed by the Velez Plaintiffs. On January 14, 2020, the Court entered a Memorandum and Order dismissing all claims against IHC and Sawyer in *Pals v. Weekly*, 8:17cv27, and finding that Weekly was negligent as a matter of law in both cases. ECF No. 328. Because Sawyer and IHC are no longer Defendants in either case, and Weekly’s negligence has been determined as a matter of law, the pending Motions are moot.

Accordingly,

IT IS ORDERED:

1. Sawyer’s Motion in Limine to Exclude the Expert Testimony of John R. Messineo, Jr., P.E., Brian G. Pfeifer, Ph.D., P.E., and John W. Ross, ECF No. 211, is denied as moot;
2. Sawyer’s Motion to Strike the Brief in Support of Motion in Limine, ECF No. 225, filed by Tony Weekly, Jr., and Bohren is denied as moot; and
3. The Motion in Limine to Exclude the Expert Testimony of Darryl Partner and John Goebelbecker, P.E., filed by Plaintiffs Kathryn Pals and Gordon Engel, ECF No. 203, is denied as moot.

Dated this 15th day of January 2020.

BY THE COURT:  
s/Laurie Smith Camp  
Senior United States District Judge